

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PRISCILIANO CRISTOBAL BONIFACIO,

Plaintiff,

v.

STAR STAR PALACE INC. *d/b/a* SILVER
PLACE AND 1432 ST. NICHOLAS AVENUE
L.L.C.,

Defendants.

ORDER

21 Civ. 7416 (ER)

RAMOS, D.J.

On September 3, 2021, Prisciliano Cristobal Bonifacio brought this action against Star Star Palace Inc. (d/b/a Silver Place) (“Silver Place”) and 1432 St. Nicholas Avenue L.L.C. (“1432 St. Nicholas”) for violation of the Americans with Disabilities Act and related claims. Doc. 1.

On December 13, 2021, the Court ordered Bonifacio to submit a status report by December 23, 2021, as the defendants were served on October 5, 2021 but had neither appeared nor responded to the Complaint. Doc. 8; *see also* Docs. 5, 7. The Court warned that failure to comply with Court orders may result in sanctions, including dismissal for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). Doc. 8.

Bonifacio failed to submit a status report by December 23, 2021. As of January 5, 2022, while 1432 St. Nicholas had filed an answer to the Complaint on January 4, 2022 (Doc. 9), Silver Place had not yet entered an appearance or responded to the Complaint. On January 5, 2022, the Court ordered Bonifacio to show cause why this case should not be dismissed for failure to prosecute under Rule 41(b) by letter by January 7, 2022. Doc. 10. The Court again warned that failure to comply with the Court order will result in dismissal for failure to prosecute under Rule

41(b). *Id.* The Court subsequently granted Bonifacio's three requests for an extension to move for default judgment against Silver Place. Docs. 12, 14, 16. To date, Bonifacio has not done so.

Bonifacio is hereby directed to submit a status report by **October 14, 2022**. Failure to comply with this Court order will result in dismissal for failure to prosecute under Rule 41(b).

It is SO ORDERED.

Dated: October 7, 2022
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is written above a horizontal line.

Edgardo Ramos, U.S.D.J.